

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES**

**PUBLIC COMMENTS AND AGENCY RESPONSE  
(FIRST PUBLIC COMMENT PERIOD)**

---

**Name:** Lucas Harder, Arkansas School Boards Association

**Comment:** While the table of contents includes the chapter number followed by a hyphen followed by the subchapter number (1-1.01, 2-1.01, 3-1.01, etc.), the actual section numbers in the Rules are missing the chapter number and the hyphen, which would make it much easier to cite to a specific section in the Rules.

**Agency Response:** The change was made.

**Comment:** 3-2.01: Act 910 changed this to “Commissioner of Elementary and Secondary Education”.

**Agency Response:** The change was made.

**Comment:** 3-2.01.1: There appears to be an extra “state” here.

**Agency Response:** The change was made.

**Comment:** 3-2.01.2: There appears to be a “the” missing from between “in” and “government”.

**Agency Response:** The change was made.

**Comment:** 3-3.02: There is a “6” instead of a “b” in “by”.

**Agency Response:** The change was made.

**Name:** Rebecca Miller-Rice, Arkansas Bureau of Legislative Research

**Comment:** There are several references to "subchapter" throughout the rules. Was this intentional?

**Agency Response:** The changes were made.

**Comment:** Chapter 2, Sections 3.01 and 3.01.1 -- In both sections, the public school "district" is referenced whereas the statute on which the rules appear premised, Ark. Code Ann. s 6-4-309(a), (a)(1), as amended by Act 939 of 2019, s 7, refers simply to "public school." Is there a reason for the difference?

**Agency Response:** The change was made.

**Comment:** Chapter 2, Section 3.01.2.2 -- Should "department" be "Division" as provided in Ark. Code Ann. s 6-4-309(b), as now codified?

**Agency Response:** The change was made.

**Comment:** Chapter 3, Section 2.01.2 -- Should "Department of Education" be "Division" as now codified at Ark. Code Ann. s 6-4-303(c)?

**Agency Response:** The change was made.

**Comment:** Chapter 3, Section 3.04 -- Should "Department of Education" be "Division" as now codified at Ark. Code Ann. s 6-4-305(e)?

**Agency Response:** The change was made.

**Name:** Col. Don Berry, Arkansas Veterans Coalition

*NOTE: Col. Berry's comments have been summarized below for brevity. His full comments are attached to this document.*

**Comment:** Add to section 1-2.01.5 as follows:

2.01.5 Providing for the adoption and enforcement of administrative rules to implement the provisions of §§ 6-18-107 which replicate or exceed provisions of the Compact model statute codified by §§ 6-4-302 and thereby these rules meet the public school district level responsibilities set by the Compact statute and its rules.

**Agency Response:** Comment considered. No change was made because the existing language was taken directly from Ark. Code Ann. §6-4-302.

**Comment:** Strike the word "minor" in sections 3.15 and 4.02.

**Agency Response:** Comment considered. No change was made because the word "minor" is part of the definition of student in the statute. See Ark. Code Ann. §6-18-107.

**Comment:** Strike section 2-1.02.

**Agency Response:** Comment considered. No change was made. Arkansas law is not binding on other states. This language was included to prevent the conflict of laws issues that have arisen in other states due to the inability to enforce the provisions of the Compact against non-Compact states.

**Comment:** Change section 3-1.01 as follows:

[3-]1.01        The purpose of the Compact Council is to promote, administer and communicate the provisions of Arkansas statutes and develop programs in coordination with the division, Arkansas public school districts, and our military commands is in order to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

**Agency Response:** Comment considered. No change was made. The existing language was taken from Ark. Code Ann. §6-4-302.

**Comment:** Add to sections 3-1.01.1 through 3-1.01.4 following the word “facilitating” the phrase “promoting and supporting division and school district programs for.”

**Agency Response:** Comment considered. No change was made. The existing language was taken from Ark. Code Ann. §6-4-302.

**Comment:** Add “In collaboration with the division” to the beginning of sections 3-1.01.5 and 1.01.6 and add “and Arkansas statutes and rules to the end of 3-1.01.6.

**Agency Response:** Comment considered. No change was made. The existing language was taken from Ark. Code Ann. §6-4-302.

**Comment:** Strike section 3-1.01.7.

**Agency Response:** Comment considered. No change was made. The existing language was taken from Ark. Code Ann. §6-4-302.

**Comment:** Add to the beginning of section 3-1.01.8 “Principle mission of the Council is in”.

**Agency Response:** Comment considered. No change was made. The existing language was taken from Ark. Code Ann. §6-4-302.

**Comment:** Replace “this subchapter” with the statutory citation Ark. Code Ann. §6-4-301 et seq. and add a reference to Ark. Code Ann. §6-18-107 to the end of the section.

**Agency Response:** The change was partially made. “This subchapter” was replaced with the appropriate statutory citation to Ark. Code Ann. §6-4-301 et seq., but §6-18-107 was not added to the section. The Compact Commissioner’s authority is only under the Compact. Adding the attendance statute at §6-18-107 would be inaccurate.

**Comment:** In section 3-2.01.2, replace “this compact” with the statutory citation Ark. Code Ann. §6-4-301 et seq. and Ark. Code Ann. §6-18-107.

**Agency Response:** Comment considered. No change was made. This language is as it appears in the statute.

**Comment:** Strike section 3-2.02.1 and replace it with the following language: “The Arkansas congressional district of each public school district is as reported in the Arkansas Public School Computer Network accessible through the MySchoolInfo application.”

**Agency Response:** Comment considered. No change was made. The address that appears in MySchoolInfo is the address of the district’s administrative office, as indicated in the current language.

**Comment:** Add to section 3-2.02.2 and 3-2.06.1 as follows:

2.02.2 The number of children of military families shall be determined by the number of children of military families by component and service as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules accessible through My School Info application.

2.06.1 The number of children of military families shall be determined by the number of children of military families by component and service as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules accessible through the My School Info application.

**Agency Response:** Comment considered. No change was made. This language was taken from the statute. Ark. Code Ann. §6-18-107 does not require the reporting of this additional information and this section of the rule only requires the number of students in order to make the determination. APSCN already collects this information and to the extent military families are willing to identify themselves as military families, the district is able to report it.

**Comment:** Add to section 3-2.07 as follows:

2.07 A representative from each federal and state military installation in Arkansas that employs uniformed service members to be designated by each the military installation commander in the case of federal installations and the Secretary, Arkansas Military Department in the case of state installations as follows:

**Agency Response:** Comment considered. No change was made. This language was taken directly from Ark. Code Ann. §6-4-304(a)(7).

**Comment:** Alter section 3-2.07.1 as follows:

2.07.1 Federal installations: Little Rock Air Force Base, Pine Bluff Arsenal, and Camp Pike Armed Forces Reserve Complex, serving as the active federal installations;

**Agency Response:** Comment considered. No change was made. Camp Pike is properly listed in the following section 3-2.07.2 as the reserve federal installation.

**Comment:** Reorganize sections 3-2.07.2 through 3-2.07.3.3 as follows:

2.07.2 State installations: Camp Robinson, Ebbing Air National Guard Base, Fort Chaffee Camp Pike Armed Forces Reserve Complex, serving as the reserve federal installation; and

2.07.3 One representative from each of the following state installations:

2.07.3.1 Camp Robinson,

2.07.3.2 Fort Chaffee, and

2.07.3.3 Ebbing Air National Guard Base.

**Agency Response:** Comment considered. No change was made. Camp Pike was not listed in this section along with the state installations, but is properly listed as the reserve federal installation in section 3-2.07.2.

**Comment:** Strike section 3-2.07.4. Rationale: “Installation” is clearly defined in Chapter 1 Sec 3.11. If it is found that the caveat information is needed then it is more appropriate to amend the definition. Section could cause confusion since Camp Pike is an armed forces reserve center. ROTC and JROTC programs are held on college campuses and in public school classrooms. There can be no consideration that there is a military installation to which assigned personnel are stationed. This rule stipulation is not needed.

**Agency Response:** Comment considered. No change was made. This language is included for additional clarity.

**Comment:** Delete use of ‘ex officio’ throughout all rules. The Council of State Governments legal staff that drafted the original compact language misuse the term. Eliminating use of the term altogether eliminates potential misuse from the established direction in Roberts Rules, 11<sup>th</sup> Edition, page 483, line 30.

**Agency Response:** Comment considered. No change made. The term “ex officio” is used in the statute and has been included in the rules for that reason.

**Comment:** Correct the typo in section 3-3.02 by replacing the 6 with a b.

**Agency Response:** The change was made.

**Comment:** Strike section 3.04. Rationale: Legislative language behind this rule is incorrect and establishes an authority presumption that cases not resolved at the local district level may be resolved at the council level. Council and its DESE employee members may advise districts on issues but in all cases the final determination is at the school district or perhaps with DESE leadership or the Board of Education. Council is not chartered to be an audit authority on decisions made by district superintendents.

**Agency Response:** Comment considered. No change was made. The existing language is taken directly from Ark. Code Ann. §6-4-305(e).

**Comment:** Strike the word “minor” in sections 4.01 and 4.02. Rationale: Same as 3.15 above.

**Agency Response:** Comment considered. No change was made. See previous response.